



General Assembly

Amendment

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LCO No. 3901

HB0543303901HDO

Offered by:

REP. O'ROURKE, 32nd Dist.

SEN. DEFRONZO, 6th Dist.

To: Subst. House Bill No. 5433

File No. 408

Cal. No. 281

**"AN ACT REVISING PREQUALIFICATION REQUIREMENTS FOR
STATE CONSTRUCTION CONTRACTS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 4b-91 of the general statutes, as amended by
4 section 1 of public act 03-215, is repealed and the following is
5 substituted in lieu thereof (*Effective October 1, 2004*):

6 (a) Every contract for the construction, reconstruction, alteration,
7 remodeling, repair or demolition of any public building for work by
8 the state, which is estimated to cost more than five hundred thousand
9 dollars, except (1) a contract awarded by the Commissioner of Public
10 Works for (A) a community court project, as defined in subsection (j) of
11 section 4b-55, (B) the Connecticut Juvenile Training School project, as
12 defined in subsection (k) of section 4b-55, (C) the downtown Hartford
13 higher education center project, as defined in subsection (l) of section
14 4b-55, (D) The University of Connecticut library project, as defined in

15 subsection (d) of section 4b-55, (E) a correctional facility project, as
16 defined in subsection (m) of section 4b-55, (F) a juvenile detention
17 center project, as defined in subsection (n) of section 4b-55, or (G) a
18 student residential facility for the Connecticut State University system
19 that is a priority higher education facility project, as defined in
20 subsection (f) of section 4b-55, or (2) a project, as defined in
21 subdivision (16) of section 10a-109c, undertaken and controlled by The
22 University of Connecticut in accordance with section 10a-109n, shall be
23 awarded to the lowest responsible and qualified general bidder who is
24 prequalified pursuant to section 3 of [this act] public act 03-215, as
25 amended by this act, on the basis of competitive bids in accordance
26 with the procedures set forth in this chapter, [and section 8 of this act,]
27 after the Commissioner of Public Works or, in the case of a contract for
28 the construction of or work on a building under the supervision and
29 control of the Joint Committee on Legislative Management of the
30 General Assembly, the joint committee or, in the case of a contract for
31 the construction of or work on a building under the supervision and
32 control of one of the constituent units of the state system of higher
33 education, the constituent unit, has invited such bids by
34 advertisements inserted at least once in one or more newspapers
35 having a circulation in each county in the state. The Commissioner of
36 Public Works, the joint committee or the constituent unit, as the case
37 may be, shall indicate the prequalification classification [and aggregate
38 work capacity rating] required for the contract in such advertisement.
39 As used in this section, "prequalification classification" means the
40 prequalification classifications established by the Commissioner of
41 Administrative Services pursuant to section 3 of [this act] public act 03-
42 215, as amended by this act. [and "aggregate work capacity rating"
43 means the aggregate work capacity ratings established by the
44 Commissioner of Administrative Services pursuant to section 3 of this
45 act.]

46 (b) The Commissioner of Public Works, the joint committee or the
47 constituent unit, as the case may be, shall determine the manner of
48 submission and the conditions and requirements of such bids, and the

49 time within which the bids shall be submitted, consistent with the
50 provisions of sections 4b-91 to 4b-96, inclusive, as amended. Such
51 award shall be made within sixty days after the opening of such bids.
52 If the general bidder selected as the general contractor fails to perform
53 the general contractor's agreement to execute a contract in accordance
54 with the terms of the general contractor's general bid and furnish a
55 performance bond and also a labor and materials or payment bond to
56 the amount specified in the general bid form, an award shall be made
57 to the next lowest responsible and qualified general bidder. No
58 employee of the Department of Public Works, the joint committee or a
59 constituent unit with decision-making authority concerning the award
60 of a contract and no public official, as defined in section 1-79, may
61 communicate with any bidder prior to the award of the contract if the
62 communication results in the bidder receiving information about the
63 contract that is not available to other bidders, except that if the lowest
64 responsible and qualified bidder's price submitted is in excess of funds
65 available to make an award, the Commissioner of Public Works, the
66 Joint Committee on Legislative Management or the constituent unit, as
67 the case may be, may negotiate with such bidder and award the
68 contract on the basis of the funds available, without change in the
69 contract specifications, plans and other requirements. If the award of a
70 contract on said basis is refused by such bidder, the Commissioner of
71 Public Works, the Joint Committee on Legislative Management or the
72 constituent unit, as the case may be, may negotiate with other
73 contractors who submitted bids in ascending order of bid prices
74 without change in the contract, specifications, plans and other
75 requirements. In the event of negotiation with general bidders as
76 provided in this section, the general bidder involved may negotiate
77 with subcontractors on the same basis, provided such general bidder
78 shall negotiate only with subcontractors named on such general
79 bidder's general bid form.

80 (c) On and after October 1, 2004, no person may bid on a contract,
81 except for a project described in subdivision (2) of subsection (a) of this
82 section, for the construction, reconstruction, alteration, remodeling,

83 repair or demolition of any public building for work by the state or a
84 municipality, which is estimated to cost more than five hundred
85 thousand dollars and is paid for, in whole or in part, with state funds,
86 unless the person is prequalified in accordance with section 3 of [this
87 act] public act 03-215, as amended by this act.

88 (d) On and after October 1, 2004, each bid submitted for a contract
89 described in subsection (c) of this section shall include a copy of a
90 prequalification [statement] certificate issued by the Commissioner of
91 Administrative Services. [showing that the bidder has the
92 prequalification classification and aggregate work capacity ratings
93 required under such contract.] The bid shall also be accompanied by
94 an update statement in such form as the Commissioner of
95 Administrative Services prescribes. The form for such update
96 statement shall provide space for information regarding all projects
97 completed by the bidder since the date the bidder's prequalification
98 certificate was issued or renewed, all projects the bidder currently has
99 under contract, including the percentage of work on such projects not
100 completed, the names and qualifications of the personnel who will
101 have supervisory responsibility for the performance of the contract,
102 any significant changes in the bidder's financial position or [business
103 organization] corporate structure since the date the certificate was
104 issued or renewed, any change in the contractor's qualification status
105 as determined by the provisions of subdivision (6) of subsection (c) of
106 section 3 of public act 03-215, as amended by this act, and such other
107 relevant information as the Commissioner of Administrative Services
108 prescribes. Any bid submitted without a copy of the prequalification
109 certificate and an update statement shall be invalid.

110 (e) Any person who bids on a contract described in subsection (c) of
111 this section shall certify under penalty of false statement at the
112 conclusion of the bidding process that the information in the bid is
113 true, that there has been no substantial change in the bidder's financial
114 position or corporate structure since the bidder's most recent
115 prequalification certificate was issued or renewed, other than those
116 changes noted in the update statement, and that the bid was made

117 without fraud or collusion with any person.

118 (f) Any person who receives information from a state employee or
119 public official that is not available to the general public concerning any
120 construction, reconstruction, alteration, remodeling, repair or
121 demolition project on a public building prior to the date that an
122 advertisement for bids on the project is published shall be disqualified
123 from bidding on the project.

124 (g) Notwithstanding the provisions of this chapter regarding
125 competitive bidding procedures, the commissioner may select and
126 interview at least three responsible and qualified general contractors
127 who are prequalified pursuant to section 3 of [this act] public act 03-
128 215, as amended by this act, and [selected by the award panel
129 established in subdivision (4) of section 4b-24] submit the three
130 selected contractors to the construction services award panels process
131 described in section 8 of public act 03-215, as amended by this act and
132 any regulation adopted by the commissioner. The commissioner may
133 negotiate with [any one of such contractors] the successful bidder a
134 contract which is both fair and reasonable to the state for a community
135 court project, as defined in subsection (j) of section 4b-55, the
136 downtown Hartford higher education center project, as defined in
137 subsection (l) of section 4b-55, The University of Connecticut library
138 project, as defined in subsection (d) of section 4b-55, the Connecticut
139 Juvenile Training School project, as defined in subsection (k) of section
140 4b-55, a correctional facility project, as defined in subsection (m) of
141 section 4b-55, a juvenile detention center project, as defined in
142 subsection (n) of section 4b-55, or a student residential facility for the
143 Connecticut State University system that is a priority higher education
144 facility project, as defined in subsection (f) of section 4b-55. The
145 Commissioner of Public Works shall submit any such contract to the
146 State Properties Review Board for review pursuant to subsection (i) of
147 this section. Any general contractor awarded a contract pursuant to
148 this subsection shall be subject to the same requirements concerning
149 the furnishing of bonds as a contractor awarded a contract pursuant to
150 subsection (b) of this section.

151 (h) On and after October 1, 2004, any agency that seeks to have a
152 project awarded without being subject to competitive bidding
153 procedures shall certify to the joint committee of the General Assembly
154 having cognizance of matters relating to [legislative management]
155 government administration and elections that the project is of such an
156 emergency nature that an exception to the competitive bidding
157 procedures of this section is required. Such certification shall include
158 input from all affected agencies, detail the need for the exception and
159 include any relevant documentation.

160 (i) In the event that the General Assembly approves legislation
161 authorizing an exception to the competitive bidding process for a
162 project, the State Properties Review Board shall complete a review of
163 the contract for such project no later than thirty days after the
164 Commissioner of Public Works submits such contract to the board.
165 Such review shall be conducted in accordance with the provisions of
166 section 4b-3, as amended by this act. In the event that such review does
167 not occur within the thirty-day period prescribed by this subsection,
168 such contract shall be deemed to be approved.

169 Sec. 2. Section 3 of public act 03-215 is repealed and the following is
170 substituted in lieu thereof (*Effective October 1, 2004*):

171 (a) As used in this section: (1) "Prequalification" means
172 prequalification issued by the Commissioner of Administrative
173 Services to bid on a contract for the construction, reconstruction,
174 alteration, remodeling, repair or demolition of any public building for
175 work by the state or a municipality; (2) "subcontractor" means a person
176 who performs work with a value in excess of twenty-five thousand
177 dollars for a contractor pursuant to a contract for work for the state or
178 a municipality which is estimated to cost more than five hundred
179 thousand dollars; [and] (3) "principals and key personnel" includes
180 officers, directors, shareholders, members, partners and managerial
181 employees; (4) "aggregate work capacity rating" means the maximum
182 amount of work an applicant is capable of undertaking for any and all
183 projects; and (5) "single project limit" means the highest estimated cost

184 of a single project that an applicant is capable of undertaking.

185 (b) (1) Any person may apply for prequalification to the Department
186 of Administrative Services. Such application shall be made on such
187 form as the Commissioner of Administrative Services prescribes and
188 shall be accompanied by a nonrefundable application fee as set forth in
189 subdivision (2) of this subsection. The application shall be signed
190 under penalty of false statement.

191 (2) The application fee shall be as follows:

T1	Aggregate Work Capacity Rating	Fee
T2	\$5,000,000.00 or less	\$600.00
T3	\$5,000,000.01 - \$8,000,000.00	\$750.00
T4	\$8,000,000.01 - \$10,000,000.00	\$850.00
T5	\$10,000,000.01 - \$15,000,000.00	\$1,000.00
T6	\$15,000,000.01 - \$20,000,000.00	\$1,500.00
T7	\$20,000,000.01 - \$40,000,000.00	\$2,000.00
T8	\$40,000,000.01 or more	\$2,500.00

192 (c) The application form shall, at a minimum, require the applicant
193 to supply information concerning:

194 (1) The applicant's form of organization;

195 (2) The applicant's principals and key personnel and any names
196 under which the applicant, principals or key personnel conducted
197 business during the past five years;

198 (3) The applicant's experience on public and private construction
199 projects over the past five years, or on the applicant's ten most
200 recently-completed projects and the names of any subcontractors used
201 on the projects;

202 (4) Any legal or administrative proceedings pending or concluded
203 adversely against the applicant or any of the applicant's principals or
204 key personnel within the past five years which relate to the
205 procurement or performance of any public or private construction
206 contract and whether the applicant is aware of any investigation
207 pending against the applicant or any principal or key personnel;

208 (5) The nature of any financial, personal or familial relationship
209 between the applicant and any public or private construction project
210 owner listed on the application as constituting construction experience;

211 (6) A statement of whether (A) the applicant has been disqualified
212 pursuant to section 4b-95, this section or section 31-57c or 31-57d, (B)
213 the applicant is on the list distributed by the Labor Commissioner
214 pursuant to section 31-57a, (C) the applicant is disqualified or
215 prohibited from being awarded a contract pursuant to section 31-57b,
216 (D) the applicant has been disqualified by another state, (E) the
217 applicant has been disqualified by a federal agency or pursuant to
218 federal law, (F) the applicant's registration has been suspended or
219 revoked by the Department of Agriculture and Consumer Protection
220 pursuant to section 20-341gg, as amended, (G) the applicant has been
221 disqualified by a municipality, and (H) the matters that gave rise to
222 any such disqualification, suspension or revocation have been
223 eliminated or remedied; and

224 (7) Other information as the commissioner deems relevant to the
225 determination of the applicant's qualifications and responsibilities.

226 (d) The applicant shall include a statement of financial condition
227 prepared by a certified public accountant which includes information
228 concerning the applicant's assets and liabilities, plant and equipment,
229 bank and credit references, bonding company and maximum bonding

230 capacity, and other information as the commissioner deems relevant to
231 an evaluation of the applicant's financial capacity and responsibility.

232 (e) Information contained in the application shall be current as of
233 the time of filing except that the statement of financial condition shall
234 pertain to the applicant's most recently-completed fiscal year.

235 (f) The commissioner shall determine whether to prequalify an
236 applicant on the basis of the application and on relevant past
237 performance according to procedures and criteria set forth in
238 regulations which the commissioner shall adopt on or before October
239 1, 2005, in accordance with chapter 54. Such criteria shall include, at a
240 minimum, the record of the applicant's performance, including, but
241 not limited to, written evaluations of the applicant's performance on
242 public or private projects within the past five years, the applicant's
243 past experience on projects of various size and type, the skill, ability
244 and integrity of the applicant and any subcontractors used by the
245 applicant, the experience and qualifications of supervisory personnel
246 employed by the applicant, the maximum amount of work the
247 applicant is capable of undertaking as demonstrated by the applicant's
248 financial condition, bonding capacity, size of past projects and present
249 and anticipated work commitments, and any other relevant criteria
250 that the commissioner prescribes. Such regulations shall also (1)
251 provide that the criteria considered shall be assigned separate
252 designated numerical values and weights and that the applicant shall
253 be assigned an overall numerical rating on the basis of all criteria, and
254 (2) establish prequalification classifications, [and] aggregate work
255 capacity ratings and single project limits. Such prequalification
256 classifications shall be used to establish the types of work a contractor
257 is qualified to perform and the aggregate work capacity ratings shall
258 be used to establish the maximum amount of work a contractor is
259 capable of undertaking.

260 (g) (1) The applicant shall indicate the prequalification
261 classifications, [and] aggregate work capacity [rating] ratings and
262 single project limits that are sought. The commissioner may issue a

263 certificate of prequalification to any applicant who meets the
264 requirements of this section. Such certificate shall be effective for one
265 year from the date issued and shall indicate the contractor's
266 prequalification classifications, [and] aggregate work capacity ratings
267 and single project limits. The commissioner may cause the initial
268 certificate of prequalification to be effective for a period not to exceed
269 two years and may require the applicant to remit payment of the
270 application fee, as set forth in subsection (b) of this section, for the first
271 twelve months of certification as well as a prorated application fee, as
272 described in subdivision (3) of this subsection, for any additional
273 period of certification beyond the first twelve months.

274 (2) A prequalified contractor may apply at any time for additional
275 prequalification classifications, [or] aggregate work capacity ratings or
276 single project limits by submitting the applicable increase in fee, a
277 completed update statement, and other information the commissioner
278 requires.

279 (3) The commissioner may renew a prequalification certificate upon
280 receipt of a completed update statement, any other material the
281 commissioner requires and a nonrefundable fee in an amount equal to
282 one-half of the application fee for the applicable aggregate work
283 capacity rating as set forth in subsection (b) of this section, except that
284 in no event shall such fee be less than six hundred dollars.

285 (h) Not later than sixty days after receiving a completed application,
286 the commissioner shall mail or send by electronic mail a notice to the
287 applicant concerning the commissioner's preliminary determination
288 regarding the conditions of the prequalification certification, a denial
289 of certification, a reduction in the level of certification sought or
290 nonrenewal of certification. Any applicant aggrieved by the
291 commissioner's preliminary determination may request copies of the
292 information upon which the commissioner relied in making the
293 preliminary determination, provided such request is made not later
294 than ten days after the date the notice was mailed [as indicated by the
295 postmark on the envelope] or sent by electronic mail to the applicant.

296 Not later than twenty days after [said postmark date] the date the
297 notice was mailed or sent by electronic mail, the applicant may submit
298 additional information to the commissioner with a request for
299 reconsideration. The commissioner shall issue a final determination
300 regarding the application not later than ninety days after the date the
301 commissioner mailed or sent by electronic mail the notice of the
302 preliminary determination, which ninety-day period may be extended
303 for an additional period not to exceed ninety days if (1) the
304 commissioner gives written notice to the applicant that the
305 commissioner requires additional time, and (2) such notice is mailed or
306 sent by electronic mail during the initial ninety-day period.

307 (i) The commissioner may not issue a prequalification certificate to
308 any contractor (1) who is disqualified pursuant to section 31-57c or 31-
309 57d, [or] (2) who has a principal or key personnel who, within the past
310 five years, has a conviction or has entered a plea of guilty or nolo
311 contendere for or has admitted to commission of an act or omission
312 that reasonably could have resulted in disqualification pursuant to any
313 provision of subdivisions (1) to (3), inclusive, of subsection (d) of
314 section 31-57c or subdivisions (1) to (3), inclusive, of subsection (d) of
315 section 31-57d, as determined by the commissioner.

316 (j) The commissioner may revoke a contractor's prequalification or
317 reduce the contractor's prequalification classification or aggregate
318 work capacity ratings, after an opportunity for a hearing, if the
319 commissioner receives additional information that supports such
320 revocation or reduction.

321 (k) (1) Any materially false statement in the application or any
322 update statement may, in the discretion of the awarding authority,
323 result in termination of any contract awarded the applicant by the
324 awarding authority. The awarding authority shall provide written
325 notice to the commissioner of such false statement not later than thirty
326 days after discovering such false statement. The commissioner shall
327 provide written notice of such false statement to the Commissioner of
328 Public Works and the Commissioner of Agriculture and Consumer

329 Protection not later than thirty days after discovering such false
330 statement or receiving such notice.

331 (2) The commissioner shall revoke the prequalification of any
332 person, after an opportunity for hearing, if the commissioner finds that
333 the person has included any materially false statement in such
334 application or update statement, has been convicted of a crime related
335 to the procurement or performance of any public or private
336 construction contract or, within the past five years or has otherwise
337 engaged in fraud in obtaining or maintaining prequalification. Any
338 person whose prequalification has been revoked pursuant to this
339 subsection shall be disqualified for a period of two years after which
340 the person may reapply for prequalification, except that a person
341 whose prequalification has been revoked on the basis of conviction of a
342 crime or engaging in fraud shall be disqualified for a period of five
343 years after which the person may reapply for prequalification. The
344 commissioner shall not prequalify a person whose prequalification has
345 been revoked pursuant to this subdivision until the expiration of said
346 two or five-year disqualification period and the commissioner is
347 satisfied that the matters that gave rise to the revocation have been
348 eliminated or remedied.

349 (l) The commissioner shall provide written notice of any revocation,
350 disqualification, reduction in classification or capacity rating or
351 reinstated prequalification to the Commissioner of Public Works and
352 the Commissioner of Agriculture and Consumer Protection not later
353 than thirty days after any final determination.

354 (m) The provisions of this section and section 4 of [this act] public
355 act 03-215, as amended by this act, shall not apply to subcontractors.

356 (n) The commissioner shall establish an update statement for use by
357 bidders for purposes of renewing or upgrading a prequalification
358 certificate and for purposes of submitting a bid pursuant to section 4b-
359 91, as amended by this act.

360 (o) Any applicant aggrieved by the commissioner's final

361 determination concerning a preliminary determination, a denial of
362 certification, a reduction in prequalification classification or aggregate
363 work capacity rating or a revocation or nonrenewal of certification
364 may appeal to the Superior Court in accordance with section 4-183.

365 Sec. 3. Section 4 of public act 03-215 is repealed and the following is
366 substituted in lieu thereof (*Effective October 1, 2004*):

367 (a) [The] On or before October 1, 2005, the Commissioner of
368 Administrative Services shall adopt regulations, in accordance with
369 chapter 54, to establish a standard contractor evaluation form. Such
370 form shall include, at a minimum, the following evaluation criteria: (1)
371 Timeliness of performance; (2) quality of performance; (3) cost
372 containment, including, but not limited to, the contractor's ability to
373 work within the contract's allotted cost, the accuracy of the contractor's
374 billing, and the number and cause of change orders and the manner in
375 which the contractor determined the price on the change orders; (4)
376 safety; (5) the quality of the contractor's working relationship with the
377 agency and the quality of the contractor's supervision of the work area;
378 (6) communication with the agency; (7) the quality of the contractor's
379 required documentation; (8) the performance of the contractor's
380 subcontractors, to the extent known by the official who completes the
381 evaluation; and (9) the contractor's and any subcontractor's compliance
382 with part III of chapter 557, or chapter 558, or the provisions of the
383 federal Davis-Bacon Act, 40 USC, Sections 276a to 276a-5, inclusive, as
384 from time to time amended, to the extent known by the official who
385 completes the evaluation.

386 (b) Each public agency shall compile evaluation information during
387 the performance of the contract and complete and submit the
388 evaluation form to the commissioner after completion of a building
389 project under the agency's control if the building project is funded, in
390 whole or in part, by state funds. Such evaluation information shall be
391 available to any public agency for purposes of assessing the
392 responsibility of the contractor during a bid selection and evaluation
393 process. The designated official from such agency shall certify that the

394 information contained in the evaluation form represents, to the best of
395 the certifying official's knowledge, a true and accurate analysis of the
396 contractor's performance record on the contract. The commissioner
397 shall include the evaluation in the contractor's prequalification file. The
398 official shall mail a copy of the completed evaluation form to the
399 contractor. Any contractor who wishes to contest any information
400 contained in the evaluation form may submit a written response to the
401 commissioner not later than thirty days after the date the form was
402 mailed as indicated by the postmark on the envelope. Such response
403 shall set forth any additional information concerning the building
404 project or the oversight of the contract by the public agency that may
405 be relevant in the evaluation of the contractor's performance on the
406 project. The commissioner shall include any such response in the
407 contractor's prequalification file.

408 (c) As used in this section, "public agency" means a public agency,
409 as defined in section 1-200, but does not include The University of
410 Connecticut with respect to any project, as defined in subdivision (16)
411 of section 10a-109c, that is undertaken and controlled by the
412 university, and "subcontractor" means a person who performs work
413 with a value in excess of twenty-five thousand dollars for a contractor
414 pursuant to a contract for work for the state or a municipality which is
415 estimated to cost more than five hundred thousand dollars.

416 (d) Upon fifty per cent completion of any building project under a
417 public agency's control, the agency shall advise the contractor in
418 writing of the agency's preliminary evaluation of the contractor's
419 performance on the project.

420 (e) No public agency, employee of a public agency or certifying
421 official of a public agency shall be held liable to any contractor for any
422 loss or injury sustained by such contractor as the result of the
423 completion of an evaluation form, as required by this section, unless
424 such agency, employee or official is found by a court of competent
425 jurisdiction to have acted in a wilful, wanton or reckless manner.

426 (f) Any public agency that fails to submit a completed evaluation
427 form, as required by this section, not later than seventy days after the
428 completion of a project, shall be ineligible for the receipt of any public
429 funds disbursed by the state for the purposes of the construction,
430 reconstruction, alteration, remodeling, repair or demolition of any
431 public building or any public works project until such completed
432 evaluation form is submitted.

433 Sec. 4. Section 6 of public act 03-215 is repealed and the following is
434 substituted in lieu thereof (*Effective October 1, 2004*):

435 (a) Not later than January 1, [2004] 2006, and annually thereafter,
436 each awarding authority, other than a municipality, shall prepare a
437 report on the status of (1) any ongoing project for the construction,
438 reconstruction, alteration, remodeling, repair or demolition of any
439 public building which is estimated to cost more than five hundred
440 thousand dollars and is paid for, in whole or in part, with state funds,
441 or (2) any property management contract awarded by the Department
442 of Public Works which has an annual value of one hundred thousand
443 dollars or more. [The] Except for a school construction project, the
444 awarding authority shall submit the report to the Governor and the
445 joint standing committees of the General Assembly having cognizance
446 of matters relating to government administration and finance, revenue
447 and bonding. The report shall be submitted in accordance with section
448 11-4a. The first report submitted after a contract is awarded shall
449 indicate: (A) When, where and how the request for bids was
450 advertised; (B) who bid on the projects; (C) the provisions of law that
451 governed the award of the contract and if there were any deviations
452 from standard procedure in awarding the contract; (D) the names of
453 the individuals who had decision-making authority in awarding the
454 contract, including, but not limited to, the individuals who served on
455 any award panel; (E) if an award panel was used, whether the
456 recommendation of the panel was followed and, if applicable, the
457 reason why such recommendation was not followed; (F) whether the
458 awarding authority has any other contracts with the contractor who
459 was awarded the contract, and if so, the nature and value of the

460 contract; and (G) any provisions of law that authorized or funded the
461 project.

462 (b) The University of Connecticut shall not be required to submit a
463 report pursuant to this section for any project, as defined in
464 subdivision (16) of section 10a-109c, that is undertaken and controlled
465 by the university.

466 Sec. 5. Section 4b-100 of the general statutes, as amended by section
467 7 of public act 03-215, is repealed and the following is substituted in
468 lieu thereof (*Effective October 1, 2004*):

469 (a) The Commissioner of Public Works shall adopt regulations, in
470 accordance with chapter 54, to implement the provisions of sections
471 4b-91 to 4b-100, inclusive, as amended. Such regulations shall include
472 (1) objective criteria for evaluating the qualifications of bidders, [and]
473 (2) objective criteria for evaluating proposals, and (3) the procedures
474 for evaluating bids after the prequalification status of the bidder has
475 been verified.

476 (b) The Commissioner of Public Works shall adopt regulations, in
477 accordance with the provisions of chapter 54, establishing a procedure
478 for promptly hearing and ruling on claims alleging a violation or
479 violations of sections 4b-91 to 4b-100, inclusive, as amended. Such
480 claims may be initiated by the Department of Public Works or any
481 party whose financial interests may be affected by the decision on such
482 a claim.

483 Sec. 6. Section 8 of public act 03-215 is repealed and the following is
484 substituted in lieu thereof (*Effective October 1, 2004*):

485 (a) The Department of Public Works shall establish construction
486 services award panels which shall each consist of six members: Three
487 of whom shall be appointed by the Commissioner of Public Works and
488 shall be current employees of the Department of Public Works; two of
489 whom shall be appointed by the department head of the user agency;
490 and one of whom who shall be a neutral party appointed by the

491 commissioner. The members of each award panel appointed by the
492 Commissioner of Public Works shall serve for terms of one year from
493 July first. If any vacancy occurs on the panel, the Commissioner of
494 Public Works or the head or acting head of the user agency, as
495 appropriate, shall appoint a person for the unexpired term in
496 accordance with the provisions of this subsection.

497 (b) A panel established pursuant to this section shall not be deemed
498 to be a board or commission within the meaning of section 4-9a, as
499 amended. Such panels shall be the award panels for any contract for
500 the construction, reconstruction, alteration, remodeling, repair or
501 demolition of any public building for the state pursuant to sections 4b-
502 91 to 4b-100, inclusive, as amended, and section 4b-24, as amended.

503 (c) For each applicable contract, the commissioner shall designate
504 one panel to screen all submitted proposals and establish a list of
505 bidders to be interviewed and shall designate a separate panel
506 consisting of different members to interview bidders on the list and
507 submit a list of recommended contractors to the commissioner ranked
508 in order of preference with the most qualified bidder listed first.

509 (d) The commissioner shall designate one voting member on each
510 panel to serve as chairperson. The chairperson shall moderate the
511 committee, collect votes and compile the results.

512 (e) Each award panel shall prepare a memorandum on the selection
513 process indicating (1) how the evaluation criteria were applied by each
514 panel member to determine the most qualified firms, (2) the ranking of
515 each bidder by each panel member which shall be available to the
516 public after execution of the contract with the selected contractor, and
517 (3) a certification by each panel member that the selection of the most
518 qualified firm was not the result of collusion, the giving of a gift or the
519 promise of a gift, compensation, fraud or inappropriate influence from
520 any person who was not part of the selection process.

521 (f) The commissioner shall select a contractor from among the list of
522 firms submitted by the award panel that interviewed the contractors.

523 After the commissioner has made a selection, the names of the
524 contractor firms submitted to the commissioner shall be available to
525 the public upon request. In the event the commissioner does not select
526 the most qualified bidder listed by the awards panel, the commissioner
527 shall prepare a written explanation of the commissioner's decision. The
528 commissioner shall also prepare a memorandum on the final phase of
529 the selection process, indicating how the commissioner applied the
530 evaluation criteria to determine the [most qualified firm] successful
531 bidder. Such memorandum shall include a certification by the
532 commissioner that the commissioner's selection of the successful
533 bidder was not the result of collusion, the giving of a gift or the
534 promise of a gift, compensation, fraud or undue pressure from any
535 person who was not part of the selection process and shall be available
536 to the public after execution of the contract with the selected
537 contractor.

538 [(f)] (g) The commissioner shall adopt regulations, in accordance
539 with chapter 54, to implement the provisions of this section.

540 Sec. 7. Subdivision (4) of section 4b-24 of the general statutes, as
541 amended by section 9 of public act 03-215, is repealed and the
542 following is substituted in lieu thereof (*Effective October 1, 2004*):

543 (4) The commissioner may designate projects to be accomplished on
544 a total cost basis for (A) new facilities to provide for the substantial
545 space needs of a requesting agency, (B) the installation of mechanical
546 or electrical equipment systems in existing state facilities, or (C) the
547 demolition of any state facility that the commissioner is authorized to
548 demolish under the general statutes. If the commissioner designates a
549 project as a designated total cost basis project, the commissioner may
550 enter into a single contract with a private developer which may
551 include such project elements as site acquisition, architectural design
552 and construction. The commissioner shall select a private developer
553 from among the developers who are selected and recommended by the
554 award panels established in [this subdivision] section 8 of public act
555 03-215, as amended of this act. All contracts for such designated

556 projects shall be based on competitive proposals received by the
557 commissioner, who shall give notice of such project, and specifications
558 for the project, by advertising, at least once, in a newspaper having a
559 substantial circulation in the area in which such project is to be located.
560 No contract which includes the construction, reconstruction, alteration,
561 remodeling, repair or demolition of any public building for work by
562 the state for which the total cost is estimated to be more than five
563 hundred thousand dollars may be awarded to a person who is not
564 prequalified for the work in accordance with section 3 of [this act]
565 public act 03-215, as amended by this act. The commissioner shall
566 determine all other requirements and conditions for such proposals
567 and awards and shall have sole responsibility for all other aspects of
568 such contracts. Such contracts shall state clearly the responsibilities of
569 the developer to deliver a completed and acceptable product on a date
570 certain, the maximum cost of the project and, as a separate item, the
571 cost of site acquisition, if applicable. No such contract may be entered
572 into by the commissioner without the prior approval of the State
573 Properties Review Board and unless funding has been authorized
574 pursuant to the general statutes or a public or special act.

575 Sec. 8. Section 4b-1 of the general statutes is repealed and the
576 following is substituted in lieu thereof (*Effective October 1, 2004*):

577 (a) The Commissioner of Public Works shall (1) be responsible for
578 the administrative functions of construction and planning of all capital
579 improvements undertaken by the state, except (A) highway and bridge
580 construction, the construction and planning of capital improvements
581 related to mass transit, marine and aviation transportation, (B) the
582 Connecticut Marketing Authority, (C) planning and construction of
583 capital improvements to the State Capitol building or the Legislative
584 Office Building and related facilities by the Joint Committee on
585 Legislative Management, (D) any project as defined in subdivision (16)
586 of section 10a-109c, undertaken by The University of Connecticut, and
587 (E) construction and planning of capital improvements related to the
588 Judicial Department if such construction and planning do not
589 constitute a project within the meaning of subsection (g) of section 4b-

590 55, as amended, including the preparation of preliminary plans,
591 estimates of cost, development of designs, working plans and
592 specifications, award of contracts and supervision and inspection. For
593 the purposes of this subparagraph (E), the term "Judicial Department"
594 does not include the courts of probate, the Division of Criminal Justice
595 and the Public Defender Services Commission, except where such
596 agencies share facilities in state-maintained courts; (2) select consultant
597 firms in accordance with the provisions of sections 4b-56 to 4b-59,
598 inclusive, to assist in the development of plans and specifications
599 when in the commissioner's judgment such assistance is desirable; (3)
600 render technical advice and service to all state agencies in the
601 preparation and correlation of plans for necessary improvement of
602 their physical plants; (4) cooperate with those charged with fiscal
603 programming and budget formulation in the development of a capital
604 program and a capital budget for the state; (5) be responsible for the
605 purchase, sale, lease, sublease and acquisition of property and space to
606 house state agencies and, subject to the provisions of section 4b-21, the
607 sale or exchange of any land or interest in land belonging to the state;
608 (6) maintain a complete and current inventory of all state-owned or
609 leased property and premises, including space-utilization data; (7)
610 supervise the care and control of buildings and grounds owned or
611 leased by the state in Hartford, except the building and grounds of the
612 State Capitol and the Legislative Office Building and parking garage
613 and related structures and facilities and grounds, as provided in
614 section 2-71h, and the Connecticut Marketing Authority and property
615 under the supervision of the Office of the Chief Court Administrator
616 under the terms of section 4b-11; and (8) be responsible for the
617 administrative functions of establishing and maintaining security
618 standards for all facilities housing the offices and equipment of the
619 state except (A) Department of Transportation mass transit, marine
620 and aviation facilities, (B) the State Capitol and the Legislative Office
621 Building and related facilities, (C) facilities under the care and control
622 of The University of Connecticut or other constituent units of the state
623 system of higher education, (D) Judicial Department facilities, (E)
624 Department of Public Safety facilities, (F) Military Department

625 facilities, (G) Department of Correction facilities, (H) Department of
626 Children and Families client-occupied facilities, (I) facilities occupied
627 by the Governor, Lieutenant Governor, Attorney General,
628 Comptroller, Secretary of the State and Treasurer, and (J) facilities
629 occupied by the Board of Parole. As used in this subdivision, "security"
630 has the meaning assigned to it in section 4b-130. Subject to the
631 provisions of chapter 67, said commissioner may appoint such
632 employees as are necessary for carrying out the duties prescribed to
633 said commissioner by the general statutes.

634 (b) Notwithstanding any other provision of the general statutes, [to
635 the contrary,] except for the property of The University of Connecticut,
636 the commissioner may supervise the care and control of (1) any state-
637 owned or leased office building, and related buildings and grounds,
638 outside the city of Hartford, used as district offices, except any state-
639 owned or leased office building, and related buildings and grounds,
640 used by the Judicial Department, and (2) any other state-owned or
641 leased property, on a temporary or permanent basis, if the
642 commissioner, the Secretary of the Office of Policy and Management
643 and the executive head of the department or agency supervising the
644 care and control of such property agree, in writing, to such
645 supervision.

646 Sec. 9. Section 4b-3 of the general statutes, as amended by section
647 146 of public act 03-6 of the June 30 special session, is repealed and the
648 following is substituted in lieu thereof (*Effective October 1, 2004*):

649 (a) There is established a State Properties Review Board which shall
650 consist of six members appointed as follows: The speaker of the House
651 and president pro tempore of the Senate shall jointly appoint three
652 members, one of whom shall be experienced in matters relating to
653 architecture, one experienced in building construction matters and one
654 in matters relating to engineering; and the minority leader of the
655 House and the minority leader of the Senate shall jointly appoint three
656 members, one of whom shall be experienced in matters relating to the
657 purchase, sale and lease of real estate and buildings, one experienced

658 in business matters generally and one experienced in the management
659 and operation of state institutions. No more than three of said six
660 members shall be of the same political party. One of the members first
661 appointed by the speaker and the president pro tempore shall serve a
662 two-year term, one shall serve a three-year term and one shall serve a
663 four-year term. One of the members first appointed by the minority
664 leaders of the House and Senate shall serve a two-year term, one shall
665 serve a three-year term and one shall serve a four-year term. All
666 appointments of members to replace those whose terms expire shall be
667 for a term of four years and until their successors have been appointed
668 and qualified. If any vacancy occurs on the board, the appointing
669 authorities having the power to make the initial appointment under
670 the provisions of this section shall appoint a person for the unexpired
671 term in accordance with the provisions hereof.

672 (b) The chairman of the board shall be compensated two hundred
673 dollars per diem up to a maximum of thirty thousand dollars annually.
674 Other members of the board shall be compensated two hundred
675 dollars per diem up to a maximum of twenty-five thousand dollars
676 annually. The members of the board shall choose their own chairman.
677 No person shall serve on this board who holds another state or
678 municipal governmental position and no person on the board shall be
679 directly involved in any enterprise which does business with the state
680 or directly or indirectly involved in any enterprise concerned with real
681 estate acquisition or development.

682 (c) The board may adopt such rules as it deems necessary for the
683 conduct of its internal affairs, in accordance with section 4-167, and
684 may employ a secretary, a clerk, and within its budget, such
685 employees as it shall deem necessary.

686 (d) Notwithstanding any other statute or special act to the contrary,
687 the Commissioner of Public Works shall be the sole person authorized
688 to represent the state in its dealings with third parties for the
689 acquisition, construction, development or leasing of real estate for
690 housing the offices or equipment of all agencies of the state or for the

691 state-owned public buildings or realty hereinafter provided for in
692 section 2-90, as amended, sections 4b-1 to 4b-5, inclusive, 4b-21, 4b-23,
693 4b-24, as amended, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of
694 section 4b-66, sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95,
695 10a-72, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-
696 324, 26-3, as amended, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f,
697 except that the Joint Committee on Legislative Management may
698 represent the state in the planning and construction of the Legislative
699 Office Building and related facilities, in Hartford; the board of trustees
700 of a constituent unit of the state system of higher education may
701 represent the state in the leasing of real estate for housing the offices or
702 equipment of such constituent unit provided no lease payments for
703 such realty are made with funds generated from the general revenues
704 of the state; the Labor Commissioner may represent the state in the
705 leasing of premises required for employment security operations as
706 provided in subsection (c) of section 31-250; the Commissioner of
707 Mental Retardation may represent the state in the leasing of residential
708 property as part of the program developed pursuant to subsection (b)
709 of section 17a-218, provided such residential property does not exceed
710 two thousand five hundred square feet, for the community placement
711 of persons eligible to receive residential services from the department
712 and the Connecticut Marketing Authority may represent the state in
713 the leasing of land or markets under the control of the authority, and,
714 except for the housing of offices or equipment in connection with the
715 initial acquisition of an existing state mass transit system or the leasing
716 of land by said Marketing Authority for a term of one year or more in
717 which cases the actions of the Department of Transportation and the
718 Marketing Authority shall be subject to the review and approval of the
719 State Properties Review Board. Said commissioner shall have the
720 power to establish and implement any procedures necessary for him to
721 assume his responsibilities as said sole bargaining agent for state realty
722 acquisitions and shall perform the duties necessary to carry out such
723 procedures. He may appoint, within his budget and subject to the
724 provisions of chapter 67, such personnel deemed necessary by him to
725 carry out the provisions hereof, including experts in real estate,

726 construction operations, financing, banking, contracting, architecture
727 and engineering. The Attorney General's office, at the request of the
728 commissioner, shall assist the commissioner in contract negotiations
729 regarding the purchase, lease or construction of real estate.

730 (e) The State Properties Review Board shall be an independent body
731 within the Executive Department.

732 (f) The State Properties Review Board shall review real estate
733 acquisitions, sales, leases and subleases proposed by the
734 Commissioner of Public Works, [and] the acquisition, other than by
735 condemnation, or the sale or lease of any property by the
736 Commissioner of Transportation under subdivision (12) of section 13b-
737 4, as amended, subject to section 4b-23 and subsection (h) of section
738 13a-73 and any contract for a project described in subsection (h) of
739 section 4b-91, as amended by this act. Such review shall consider all
740 aspects of the proposed actions, including feasibility and method of
741 acquisition and the prudence of the business method proposed. The
742 board shall also cooperate with and advise and assist the
743 Commissioner of Public Works and the Commissioner of
744 Transportation in carrying out their duties. The board shall have access
745 to all information, files and records, including financial records, of the
746 Commissioner of Public Works and the Commissioner of
747 Transportation, and shall, when necessary, be entitled to the use of
748 personnel employed by said commissioners. The board shall approve
749 or disapprove any acquisition of development rights of agricultural
750 land by the Commissioner of Agriculture and Consumer Protection
751 under section 22-26cc, as amended.

752 Sec. 10. Section 4b-63 of the general statutes is repealed and the
753 following is substituted in lieu thereof (*Effective October 1, 2004*):

754 (a) Whenever the state plans demolition of a state building or
755 structure, and the site upon which such building or structure is located
756 is not to be used for a state project already authorized and funded, the
757 Commissioner of Public Works shall first notify the chief executive

758 officer of the municipality wherein the building or structure to be
 759 demolished is located, by registered or certified mail, at least sixty
 760 days prior to the public advertisement of the bid for services necessary
 761 to accomplish such demolition.

762 (b) The municipality wherein the building or structure is to be
 763 demolished may, within the period prior to the public advertisement
 764 of such bid, submit a bid to said commissioner for the purchase of such
 765 state building or structure, and the commissioner may accept such bid
 766 provided the use which the municipality intends for the building or
 767 structure is compatible with state needs and programs. Any such
 768 accepted bid shall be subject to review by the State Properties Review
 769 Board. In the event the municipality intends to move the building, the
 770 costs thereof shall not be paid by the state."

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>